

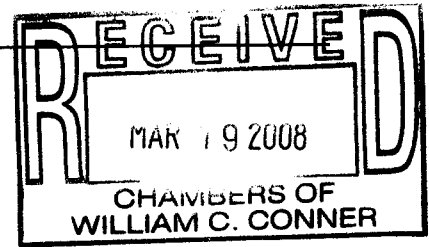
**MEMO ENDORSED**

U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

March 14, 2008

BY REGULAR MAIL

Hon. William C. Conner  
United States District Judge  
United States Courthouse  
300 Quarropas St., Room 630  
White Plains, NY 10601

Re: Fellner v. United States of America,  
08 Civ. 00013 (WCC)

Dear Judge Conner:

This Office represents the defendant in the above-referenced action. Plaintiff's complaint was filed January 2, 2008, and plaintiff attempted to effectuate service on January 10, 2008. However, it appears that the plaintiff inadvertently served the United States Attorney's Office for the District of New Jersey rather than this Office (as required by Fed. R. Civ. P. 4(i)(1)(A)), and as a result this Office was not aware of this lawsuit, and did not receive a copy of the complaint, until March 7, 2008.

The Government does not contest service but, given that this Office was not aware of this lawsuit until recently, and that the time to answer has not yet technically begun to run because of the deficient service, the Government respectfully requests sixty days, until May 13, 2008, to answer or otherwise respond to the complaint.

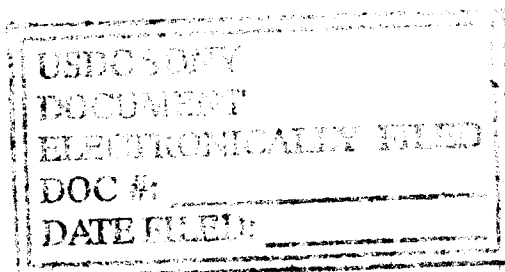
I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York

By:

*David Bober*  
DAVID BOBER  
Assistant United States Attorney  
(212) 637-2718



cc: Jeffrey T. Heller, Esq. (via regular mail)

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*Request approved  
So Ordered March 19, 2008*

*William C. Conner  
Sr. U.S.D.J.*

**MEMO ENDORSED**